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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/066,356	01/31/2002		Silvio Iera	AM100547	4549
25291	7590	05/02/2003			•
WYETH PATENT LAW GROUP FIVE GIRALDA FARMS				HABTE, KAHSAY	
				1624	
			DATE MAILED: 05/02/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Eatherised of the many be articled under the provision of 3° CFR 1.35(a). In no event, however, may a neply be timely filed  1 the period for right specified above is less than thirty (30) days, a neply which the statutory minimum of bitiny (30) days, as the statutory think mail statutory minimum of bitiny (30) days, as neply which has been to extended period for righty with, be and active the production in the statutory minimum of bitiny (30) days, as neply which the statutory minimum of bitiny (30) days, as neply which the statutory minimum of bitiny (30) days, as neply which the statutory minimum of bitiny (30) days, as neply which the statutory minimum of bitiny (30) days with 50 considered timely.  1 this period for righty specified above is less than thirty (30) days, and produced the statutory minimum of bitiny (30) days with 50 considered timely.  1 this period for righty specified above is less than thirty (30) days, and produced the statutory minimum of bitiny (30) days with 50 considered timely.  1 this period better than delectroned. See 37 CFR 1.704(a).  1 This action is FINAL.  2 b) This action is non-final.  2 b) This action is FINAL.  2 b) This action is non-final.  3 This action is FINAL.  2 b) This action is non-final.  3 This action is FINAL.  2 b) This action is non-final.  3 This action is FINAL.  2 b) This action is non-final.  3 This action is final.  4 post of Claims (3) 1.20 is/are pending in the application.  4 post of Claims (4) 1.20 is/are pending in the application.  4 post of Claims (5) 1.20 is/are pending in the application.  5 This action is since this application is objected to by the Examiner.  5 This action is since this action is objected to by the Examiner.  10 The drawing(s) filed on is/are: a) accepted or b) Diplected to by the Examiner.  11 period drawing(s) filed on is/are: a) accepted or b) Diplected to by the Examiner.  12 period drawing(s) filed on is/are:								
Office Action Summary    10,066,356		Application No.	Applicant(s)					
Shapey Habte, Ph. D.   1624		10/066,356	IERA ET AL.					
- The MALING DATE If this communication appears on the civer sheet with this circes indence address—Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Estations of terminary be available under the provious of 37 CFR 1.13(a). In no event, however, may a raphy be timely filed  Estations of terminary be available under the provious of 37 CFR 1.13(a). In no event, however, may a raphy be timely filed  Estations of terminary be available under the provious of 37 CFR 1.13(a). In no event, however, may a raphy be timely filed  If the period for reply specified boxe is less than thirty (30) days, as in a capty within the stability minimum of thirty (30) days will be considered friendly.  If the period for reply is specified some, the maintime stationy proder of all application is become ABANCONED (SS 13.5).  Failure to raphy within the set or estimated price for reply will, by stability and will explose SNC (MONTPS from the mainting date of this communication, event is reply filed, may ecided this communication.  Failure to raphy within the set or extending price for reply will, by stability price of all application, event is reply filed, may ecided this communication.  Failure to raphy within the set or extending price for reply will, by stability price of all application, event is reply filed.  This action is FINAL.  2b) This action is non-final.  3) Besponsive to communication(s) filed on	Office Action Summary	Examiner	Art Unit					
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of term may be available under the provisions of 37° CFR 1.136(a). In no event, however, may a reply be timely filled  Expensions of term may be available under the provisions of 37° CFR 1.136(a). In no event, however, may a reply be timely filled  Expensions of terms may be available under the provisions of 37° CFR 1.136(a). In no event, however, may a reply be timely filled  Expensions of terms and the provisions of 37° CFR 1.136(a). The statistical provision of the provision of Claims  1)								
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of tem may be available under the provision of 3 of ER in 13(6). In no event, however, may a reply be timely filled after SIX 69 MONTHS from the mailing date of this communication. The provision of the provisi	The MAILING DATE f this communication appears on the c ver sheet with th c rresp ndence address Period for Reply							
2a)  This action is FINAL. 2b)  This action is non-final.  3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-20 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) is/are rejected.  7)  Claim(s) is/are objected to.  8)  Claim(s) 1-20 are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: al_ accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on is: a) paproved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c) None of:  1  Certified copies of the priority documents have been received in Application No  3  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  10  Notice of References Cited (PTO-928)	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any</li> </ul>							
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ор <u></u>	1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal I						

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## **DETAILED ACTION**

## Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-7 and 12-20, drawn to a method of making disulfonic acid of triazines derivatives and its method of purification, classified in class 544, subclass 191 and 193.2.
- II. Claims 8-11, drawn to a method of making 2-[carbamoylmethyl-(3-nitro-benzenesulfonyl)-amino]acetamide and 2-(3-Nitro-benzenesulfonylamino)-acetamide compound (intermediate), classified in class 564, subclass 86 and 87.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP § 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP § 806.04(h)). In the instant case, the intermediate product is deemed to be useful as starting material to make diazonium ion for Scheimann reaction and the inventions are deemed patentably distinct since there is nothing on this record to show them to be obvious variants. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the



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species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

3. A telephone call was made to Mr. John Hogan on April 23, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

## Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kahsay Habte, Ph. D. whose telephone number is (703) 308-4717. The examiner can normally be reached on M-F (9.00AM- 5:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mukund Shah can be reached on 703-308-4716. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4556.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

Kahsay Habte, Ph. D.

Examiner Art Unit 1624

KH May 1, 2003 Mukun J. Me

Mukund J. Shah Supervisory Patent Examiner

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